

CARLSMITH BALL LLP

DAVID LEDGER
ELYZE J. McDONALD
Bank of Hawaii Bldg., Suite 401
134 West Soledad Avenue, P.O. Box BF
Hagåtña, Guam 96932-5027
Tel No. 671.472.6813

Attorneys for Defendant
Japan Airlines International Co., Ltd.

FILED
DISTRICT COURT OF GUAM

MAR 25 2008 *PD.*

JEANNE G. QUINATA
Clerk of Court

IN THE DISTRICT COURT OF GUAM

ROBERTO J. DEL ROSARIO and
MELANIE DEL ROSARIO,

Plaintiff,

vs.

JAPAN AIRLINES INTERNATIONAL CO.,
LTD.,

Defendant.

CIVIL CASE NO. CIV04-00028

**JAPAN AIRLINES' CLAIM OF
INTEREST IN SETTLEMENT
PROCEEDS; NOTICE OF APPARENT
ADDITIONAL CLAIM; EXHIBIT A-D;
DECLARATION OF SERVICE**

A. CLAIM

In accordance with the Order filed March 20, 2008 (Exh. "A"), Japan Airlines International Co., Ltd. ("JAL") hereby informs the Court that it claims an interest in the amount of \$76.50 from settlement proceeds due to Mr. Del Rosario. Attached hereto as Exh. "B" is a true and correct copy of the Bill of Costs filed December 3, 2007 in the U.S. Court of Appeals for the Ninth Circuit Appellate Case No. 06-16573.

B. NOTICE OF APPARENT ADDITIONAL CLAIM


For the convenience of the Court and to keep the Court fully apprised of the

ORIGINAL

circumstances, documents which appear to assert an additional and previously unknown claim are attached as Exhs. "C" and "D". Japan Airlines anticipates that this new claim will add more uncertainty to an already uncertain situation and will, accordingly, approach the matter of settlement with Mr. Del Rosario with great trepidation and heightened scrutiny.

DATED: Hagåtña, Guam, March 25, 2008.

CARLSMITH BALL LLP



DAVID LEDGER
ELYZE J. MCDONALD
Attorneys for Defendant
Japan Airlines International Co., Ltd.

EXHIBIT

“A”

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DISTRICT COURT OF GUAM
TERRITORY OF GUAM

ROBERTO J. DEL ROSARIO,
Plaintiff,

vs.

JAPAN AIRLINES INT'L CO., LTD.,
Defendant.

CIVIL CASE NO. 04-00028

ORDER

On December 19, 2007, the Court of Appeals for the Ninth Circuit issued its Judgment affirming this court's finding that the parties contracted to settle this action for \$175,000.00. Accordingly, the parties shall appear before the court for a status hearing to be held on Friday, April 4, 2008, at 10:00 a.m. The parties should appear prepared to address the disposition and disbursement of the settlement proceeds.

In this regard, persons or entities who claim an interest in the settlement proceeds shall file a report no later than March 27, 2008, setting forth the nature of the interest and the amount claimed. If the Plaintiff refutes any person or entity's claim of interest in the settlement proceeds, he shall file an opposition to said claim by April 1, 2008.

IT IS SO ORDERED,



/s/ Joaquin V.E. Manibusan, Jr.
U.S. Magistrate Judge
Dated: Mar 20, 2008

EXHIBIT

“B”

Form 10. Bill of Costs

FILED

DEC - 3 2007

United States Court of Appeals for the Ninth Circuit

W. A. CATTERSON, CLERK
U.S. COURT OF APPEALSBILL OF COSTS

Note: If you wish to file a bill of costs, it MUST be submitted on this form and filed, with the clerk, with proof of service, within 14 days of the date of entry of judgment, and in accordance with Circuit Rule 39-1. A late bill of costs must be accompanied by a motion showing good cause. Please refer to FRAP 39, 28 U.S.C. § 1920, and Circuit Rule 39-1 when preparing your bill of costs.

Roberto J. Del

Rosario and Melanie Japan Airlines

Del Rosario V. International Co., Ltd.

CA No. 06-16573

The Clerk is requested to tax the following costs against: Plaintiff-Appellant

Cost Taxable under FRAP 39, 28 U.S.C. § 1920, Circuit Rule 39-1	REQUESTED Each Column Must Be Completed				ALLOWED To Be Completed by the Clerk			
	No. of Docs.*	Pages per Doc.	Cost per Page **	TOTAL COST	No. of Docs.	Pages per Doc.	Cost per Page	TOTAL COST
Excerpt of Record	7	15	.10	10.50				
Appellant's Brief								
Appellee's Brief	20	33	.10	66.00				
Appellant's Reply Brief								
TOTAL				\$ 76.50	TOTAL \$ 76.50			

COPY

Form 10. Bill of Costs - Continued

Other: Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

Attorneys fees cannot be requested on this form.

* If more than 7 excerpts or 20 briefs are requested, a statement explaining the excess number must be submitted.

** Costs per page may not exceed .10 or actual cost, whichever is less. Circuit Rule 39-1.

Elyze J.
I, McDonald, swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed.

Signature: Elyze McDonald
Date: 29 November 2007

Name of Counsel (printed or typed): Elyze J. McDonald, Carlsmith Ball LLP
Attorney for: Japan Airlines International Co., Ltd.

Date: 12/12/07 Costs are taxed in the amount of \$ 26.50

Clerk of Court

By: Gabriel Newell Deputy Clerk

CARLSMITH BALL LLP

DAVID LEDGER

ELYZE MCDONALD

Bank of Hawaii Bldg., Suite 401

134 West Soledad Avenue, P.O. Box BF

Hagåtña, Guam 96932-5027

Tel No. 671.472.6813

Attorneys for Appellee

Japan Airlines International Co., Ltd.

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ROBERTO J. DEL ROSARIO and
MELANIE DEL ROSARIO,

Plaintiff-Appellant,

vs.

JAPAN AIRLINES INTERNATIONAL
CO., LTD.,

Defendant-Appellee.

NO. 06-16573

PROOF OF SERVICE

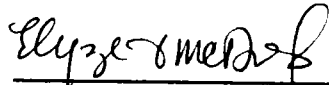
I, Elyze McDonald, attorney for Appellee Japan Airlines International Co., Ltd., hereby declare under penalty of perjury of the laws of the United States, that on the 29th day of November 2007, I filed and served via DHL (a third-party express courier) the BILL OF COSTS, upon the office of the Clerk at the United States Court of Appeals as follows:

Clerk at the United States Court of Appeals
95 Seventh Street
San Francisco, CA 94103

Further, on the 29th day of November 2007, I served via Hand Delivery the
BILL OF COSTS, upon Appellant's Counsel of record as follows:

Howard Trapp, Esq.
Howard Trapp Incorporated
200 Saylor Building
139 Chalan Santo Papa
Hagåtña, Guam 96910

Executed this 29th day of November 2007 at Hagåtña, Guam.



ELYZE J. McDONALD

EXHIBIT

“C”

FAX COVER SHEET**LAW OFFICES OF****MARK E. WILLIAMS, P.C.**

201 K&F Building; 213 E. Buena Vista Ave., Dededo, Guam 96929

Telephone: (671) 637-9620/1 Facsimile: (671) 637-9660

ATTENTION: Mr. George Gamble- Operations Manager**ORGANIZATION:** Japan Airlines International Company, Ltd.**FAX NUMBER:** 671-642-6429**DATE:** March 21, 2008**TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET):** Two (2)**MESSAGE:**

Please forward enclosed letter.

Thank you very much.

Please call our office immediately if you do not receive all of the pages indicated above. This message is intended for the use of the individual to whom it is addressed and may contain information that is privileged, confidential and restricted from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

If you have received this communication in error, please notify our office immediately by telephone.

Law Offices of
MARK EDWARD WILLIAMS, P.C.
A Professional Corporation

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Also admitted in Tennessee

Saipan Office:
Box 10001, PMB A-8
Saipan, MP 96950-8901
Tel: (670) 235-6298
Fax: (670) 235-2606

mark.e.williams@usa.net

VIA CERTIFIED MAIL and FACSIMILE: 671-642-6429

March 21, 2008

Japan Airlines International Company, Ltd.
Takaharu Sakurai - Vice President
355 Chalan Pasaheru Road; Suite B225
Tamuning, Guam 96913

**Re: Notice of Lien
Robert J. Del Rosario v. Japan Airlines International Co., Ltd.
District Court of Guam Civil Case No. CV-04-00028**

Dear Mr. Sakurai,

Pursuant to this notice, and pursuant to the lien provisions contained in the lien agreement between the clients of this office and the above-referenced individual, Mr. Del Rosario, this law office's name is to be included on any settlement checks or drafts in connection with the above-referenced matter.

Thank you for your attention to this matter, and please do not hesitate to contact this office should you have any questions.

Sincerely,


MARK WILLIAMS

MW:jj

EXHIBIT

“D”

FAX COVER SHEET**LAW OFFICES OF****MARK E. WILLIAMS, P.C.**

201 K&F Building; 213 E. Buena Vista Ave., Dededo, Guam 96929

Telephone: (671) 637-9620/1 Facsimile: (671) 637-9660

ATTENTION: Mr. Takaharu Sakurai - Vice President**ORGANIZATION:** Japan Airlines International Company, Ltd.**FAX NUMBER:** 671-642-6429**DATE:** March 21, 2008**TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET):** Two (2)**MESSAGE:**

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If you have received this communication in error, please notify our office immediately by telephone.

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A Professional Corporation

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Fax: (670) 235-2606

mark.e.williams@usa.net

VIA CERTIFIED MAIL and FACSIMILE: 671-642-6429

March 21, 2008

Japan Airlines International Company, Ltd.
George Gamble - Operations Manager
355 Chalan Pasaheru Road; Suite B225
Tamuning, Guam 96913

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Robert J. Del Rosario v. Japan Airlines International Co., Ltd.
District Court of Guam Civil Case No. CV-04-00028**

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Thank you for your attention to this matter, and please do not hesitate to contact this office should you have any questions.

Sincerely,


MARK WILLIAMS

MW:ji

DECLARATION OF SERVICE

I, David Ledger, hereby declare under penalty of perjury of the laws of the United States, that on March 25, 2008, I will cause to be served, via hand delivery, a true and correct copy of the JAPAN AIRLINES' CLAIM OF INTEREST in SETTLEMENT PROCEEDS; NOTICE OF APPARENT ADDITIONAL CLAIM; EXHIBIT A-D; DECLARATION OF SERVICE upon Plaintiffs Counsel of record as follows:


Howard Trapp, Esq.
Howard Trapp Incorporated
200 Saylor Building
139 Chalan Santo Papa
Hagåtña, Guam 96910

Michael D. Flynn, Esq.
Maher•Yanza•Flynn•Timblin, LLP
115 Hesler Place, Ground Floor
Governor Flores Building
Hagåtña, Guam 96910-5004

and

William L. Gavras, Esq.
Law Offices of William Gavras
101 Salisbury Street
Dededo, Guam 96929

Executed this 25th day of March 2008 at Hagåtña, Guam.



DAVID LEDGER